

1 ERSKINE & TULLEY
2 A PROFESSIONAL CORPORATION
3 MICHAEL J. CARROLL (St. Bar #50246)
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4 Attorneys for Plaintiff

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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12 BOARD OF TRUSTEES OF THE SAN MATEO)	NO. C 07 3357 JL
13 HOTEL EMPLOYEES AND RESTAURANT)	DECLARATION OF ATTORNEY
14 EMPLOYEES PENSION TRUST, SHERRI)	MICHAEL J. CARROLL IN
15 CHIESA, TRUSTEE,)	SUPPORT OF PLAINTIFF'S
16 Plaintiff,)	EX PARTE APPLICATION FOR
17 vs.)	ORDER TO CONTINUE CASE
18)	MANAGEMENT CONFERENCE
19 Defendant.)	

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I, MICHAEL J. CARROLL, certify:

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1. I am an attorney with the law firm of Erskine & Tulley,
A Professional Corporation, attorneys for plaintiff, BOARD OF TRUSTEES
OF THE SAN MATEO HOTEL EMPLOYEES AND RESTAURANT EMPLOYEES PENSION
TRUST, SHERRI CHIESA, TRUSTEE, in this action. I am duly admitted to
practice law in the United States District Court, Northern District
of California. If called as a witness, I could and would competently
testify as follows:

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2. This case was filed in June 2007. A defective service

1 took place on July 12, 2007. No responsive pleading was filed.

2 3. Plaintiffs requested a notice to withdraw the Motion
3 to Enter Default on September 3, 2007

4 4. Discussions have taken place with the attorney for
5 Westlodge regarding the proper defendants. Ms. Woodall requested
6 additional documentation, which was provided November 28, 2007. Ms.
7 Woodall has requested time to review the paperwork. Because of the
8 holidays she is asking for time, until mid January 2008.

9 5. It is requested that the Court continue the Case
10 Management Conference until January 30, 2008. In the meantime, to
11 prevent further delays if settlement does not occur, plaintiff will
12 file a First Amended Complaint based on the information presently
13 available, and send it out for service on the various defendants.

14 7. Good cause exists to grant plaintiff's request for a
15 continuance of the Case Management Conference currently set for
16 December 12, 2007 to January 30, 2008 to allow the parties time to do
17 informal discovery and avoid any unnecessary burden to the Court.

18 I declare under penalty of perjury that the foregoing is
19 true and correct to the best of my knowledge.

20 Executed on December 5, 2007 at San Francisco, California.

/s/Michael M. Carroll
Michael J. Carroll

PROOF OF SERVICE BY MAIL

2 I am a citizen of the United States and employed in the City and County of San Francisco, California.
3 I am over the age of eighteen years and not a party to the within above entitled action; my business
4 address is 220 Montgomery Street, Suite 303, San Francisco, CA 94104. On December 5, 2007, I
5 served the DECLARATION OF MICHAEL J. CARROLL IN SUPPORT OF PLAINTIFF'S EX-
6 PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE on
7 the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage
8 thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed
9 as follows:

10 Allison M. Woodall
11 Hanson Bridgett, Marcus Vlahos Rudy LLP
425 Market Street, 26th Floor
San Francisco, CA 94105

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2007 at San Francisco, California.

/s/Sharon Eastman
Sharon Eastman